

## 1 Context

- 1.1 The Joint Steering Committee (the Committee) will oversee the Partnership Agreement (the Agreement), the Northern Territory Remote Housing Federation Funding Agreement 2024-34 and the Restoring Funding for Northern Territory Homelands Federation Funding Agreement 2022-27.
- 1.2 The Committee recognises successful remote housing policy requires consideration of the broader cultural, social, economic policy and investment environments in the Northern Territory.
- 1.3 All members acknowledge:
- a. the unacceptable levels of overcrowding in remote and regional housing in the Northern Territory;
  - b. that Aboriginal people and organisations have a particular and deeply personal interest in housing matters in their communities;
  - c. the unique challenges and circumstances related to delivering housing programs in remote and regional areas;
  - d. that each Committee member has an equitably valuable role to fulfil on the Committee through providing senior representation for their organisation or agency; and
  - e. the Commonwealth and Northern Territory governments have committed to a joint \$4 billion investment over 10 years (2024-2034) for housing in remote communities across the Northern Territory. The Commonwealth Government has also committed \$220 million over 5 years (2022-2027) for housing improvements and essential infrastructure upgrades in Northern Territory homelands to complement the Northern Territory Government's investment in homelands.



## 2 Shared Commitment

- 2.1 The Committee recognises effective and culturally appropriate housing programs and services need to be designed, developed and implemented in partnership with Aboriginal peoples and their representative organisations. This includes facilitating place-based design, embedding traditional and cultural decision-making processes and responding to Aboriginal voices through local Housing Reference Groups and growing regional Aboriginal community-controlled housing organisations.
- 2.2 Through the Agreement, Committee members have agreed to work collaboratively and transparently in shared partnership to achieve the purpose of the Committee. This includes establishing governance structures to empower Aboriginal people in the Northern Territory to share decision-making authority with the Commonwealth and Northern Territory governments. To deliver on this commitment, members acknowledge the role of Aboriginal Housing Northern Territory Aboriginal Corporation (Aboriginal Housing NT) as the Aboriginal housing peak body and acknowledge the statutory responsibility of the four Land Councils to consult with Traditional Owners and Aboriginal communities about matters affecting their land, to seek their views, to ensure their understanding, to protect their interests and to act upon their consent (where forthcoming).

## 3 Purpose

- 3.1 The Committee agrees to centre the principle of self-determination across the remote housing system by working collaboratively and transforming the way governments make decisions, including funding decisions, about housing construction and services with Aboriginal communities, homelands and town camps. The Committee has agreed to sharing stewardship of, and responsibility for, the remote housing investment and will inform, coordinate and monitor the Agreement, ensuring:
- a reduction in overcrowding;
  - a role for the Land Councils and Aboriginal Housing NT as shared decision makers in the Agreements' governance;
  - transparency about how money is spent;

- d. the delivery of urgent upgrades to housing and essential infrastructure in homelands communities;
  - e. a co-design approach is taken for the long-term vision for NT homelands;
  - f. ensuring, to the maximum extent possible, works are delivered by local Aboriginal community-controlled organisations, and Aboriginal Business Enterprises (ABEs) where capacity and value is demonstrated; and
  - g. a clear plan for a staged transition of remote housing and housing services to Aboriginal community control.
- 3.2 The Committee will make decisions on matters of policy and strategy to ensure effective delivery under the Agreement.
- 3.3 The Committee will oversee, coordinate and monitor efforts to achieve the priority reform outcomes under the National Agreement on Closing the Gap, being:

**Priority Reform 1:** Aboriginal and Torres Strait Islander people are empowered to share decision-making authority with governments to accelerate policy and place-based progress on the National Agreement through formal partnership arrangements.

**Priority Reform 2:** There is a strong and sustainable Aboriginal and Torres Strait Islander community-controlled sector delivering high quality services to meet the needs of Aboriginal and Torres Strait Islander people across the country.

**Priority Reform 3:** Governments, their organisations and their institutions are accountable for the National Agreement and are culturally safe and responsive to the needs of Aboriginal and Torres Strait Islander people; including the services they fund.

**Priority Reform 4:** Aboriginal and Torres Strait Islander people have access to, and the capability to use, locally relevant data and information to set and monitor the implementation of efforts to close the gap, their priorities and drive their own development.



- 3.4 The Committee will oversee, coordinate and monitor efforts to achieve socio-economic outcome 9, and associated targets, under the National Agreement on Closing the Gap being:

Socio-economic Outcome Area 9: Aboriginal and Torres Strait Islander people secure appropriate, affordable housing that is aligned with their priorities and need, including against indicators:

- Target 9A: By 2031, increase in the proportion of Aboriginal and Torres Strait Islander people living in appropriately sized (not overcrowded) housing to 88%; and
- Target 9B; By 2031, all Aboriginal and Torres Strait Islander households:
  - i. within discrete Aboriginal or Torres Strait Islander communities receive essential services that meet or exceed the relevant jurisdictional standard;
  - ii. in or near to a town receive essential services that meet or exceed the same standard as applies generally within the town (including if the household might be classified for other purposes as a part of a discrete settlement such as a “town camp” or “town-based reserve”).

- 3.5 The Committee will report on their progress against the priority reforms and socio-economic outcome 9 to the Northern Territory Executive Council on Aboriginal Affairs annually.
- 3.6 The Committee may also consider broader policies relating to remote housing, homelands and town camps at the request of governments, Aboriginal Housing NT and/or Land Councils.
- 3.7 A key function of the Committee is to ensure accountability and transparency over housing outcomes and investment, including the progress of capital works, property and tenancy management, land tenure arrangements and consultation processes. The Committee will monitor the achievement of milestones and benchmarks under the Agreement. This includes identifying and mitigating risks to milestones being achieved.
- 3.8 The Committee will monitor delivery in accordance with the Reporting Framework and work to identify strategy and operational risks and agree to actions early to ensure delivery stays on track.



3.9 The Committee may establish sub-committees and working groups as required, with membership to include non-Committee members, such as experts and stakeholders.

## 4 Membership

4.1 The Committee will have ten representatives from the following members:

- a. **Commonwealth Government:** three senior executive representatives, from the National Indigenous Australians Agency with responsibility for Aboriginal Housing;
- b. **Northern Territory Government:** three senior executive representatives:
  - i. Department of Housing, Local Government and Community Development;
  - ii. Department of Logistics and Infrastructure;
- c. **Northern Territory Land Councils:** the Chief Executive Officer or other nominated senior representative with the delegated authority of the Chief Executive Officer from the:
  - i. Anindilyakwa Land Council;
  - ii. Central Land Council;
  - iii. Northern Land Council;
  - iv. Tiwi Land Council;
- d. **Aboriginal Housing NT:** the Chief Executive Officer or other nominated senior representative with the delegated authority of the Chief Executive Officer from Aboriginal Housing NT; and
- e. The Chairs of Aboriginal Housing NT and NT Land Councils are also eligible to attend as Committee Members but voting rights remain at one vote per Member.

4.2 All representatives must be authorised to make decisions and act on behalf of the member organisation they are representing.

4.3 Appointments of representatives will have due regard to ensuring continuity and stability of participation in the Committee.

## 5 Roles and Responsibilities

5.1 All Members and their representatives agree to:

- a. participate in good faith and contribute in a constructive and timely manner;
- b. share relevant and necessary information and data in a timely, accountable and transparent manner for the purpose of informing the work of the Committee;
- c. ensure that representatives have the required level of delegated authority to fully participate in Forum business including making commitments on behalf of the Member; and
- d. fulfil their roles and responsibilities under the Agreement and Homelands Program, as relevant.

5.2 The Commonwealth Government shall:

- a. inform the Committee of relevant Commonwealth Government investments and programs in the Northern Territory which may impact on those occurring under the Agreement; and
- b. resource Land Councils for their role on the Committee through section 64(1) of the *Aboriginal Land Rights (Northern Territory) Act 1976*.

5.3 The Northern Territory shall:

- a. report on agreed performance benchmarks and milestones;
- b. identify and present delivery risks, including options for mitigation and ongoing risk management; and
- c. inform the Committee of other Northern Territory Government investments and programs that may impact on those occurring under the Agreement.

5.4 The Northern Territory Land Councils shall:

- a. consult with and represent communities (including homelands, outstations and satellite communities) within their jurisdictions with respect to housing policies and outcomes arising from the Agreement and Homelands Program, as appropriate;
- b. inform the Committee of other Land Council policies and programs in the Northern Territory that may impact on investments and programs occurring under the Agreement;
- c. work with the Northern Territory Government through the Committee on land matters necessary for the delivery of housing outcomes consistent with their statutory function under the *Aboriginal Land Rights (Northern Territory) Act 1976*; and
- d. ensure operational requirements relating to land matters, including land tenure consultations, are in place to effectively implement the Agreement.

5.5 Aboriginal Housing NT shall:

- a. consult with and represent Aboriginal community-controlled organisations which provide housing and housing related services in the Northern Territory;
- b. consult with and represent the Aboriginal community-controlled housing sector to ensure Northern Territory and Commonwealth Government investment achieves maximum impact to support the sector's growth, capacity and sustainability;
- c. inform the Committee of emerging needs identified by the Aboriginal community-controlled housing sector in the Northern Territory and identify and advocate for possible actions; and
- d. participate in and constructively contribute to a joined-up policy approach at the Northern Territory and national levels to improve and support the growth of the Northern Territory's Aboriginal community-controlled housing sector.

5.6 The role of the Committee does not include decision-making on operational program issues or procurement.

## 6 Co-Chairs

- 6.1 Each meeting of the Committee will be co-chaired by a government Committee representative (Commonwealth Government or Northern Territory Government) and a Land Council or Aboriginal Housing NT Committee representative, on a rotating basis.

Each co-chair may be supported at the members table by one advisor from their organisation; this advisor will not hold member voting rights.

- 6.2 In summary, Co-Chairs are responsible for:
- Approving the agenda for their meeting in accordance with Addendum 2;
  - Facilitating each meeting; and
  - Reviewing and clearing the minutes and action items from the meeting for circulation to all members.

## 7 Observers and Subject Matter Experts

- 7.1 Members may nominate observers to attend Committee meetings. To ensure equitable representation, the maximum number of observers allowable for each member is:
- Commonwealth Government: 3 observers;
  - Northern Territory Government: 3 observers for each Department;
  - Northern Territory Land Councils: 3 observers for each Land Council; and
  - Aboriginal Housing NT: 3 observers.
- 7.2 The Committee may agree to invite subject matter experts to attend meetings to provide expert advice regarding specific agenda items or on relevant issues to the Committee. Their participation will be limited to the invited agenda item only, unless agreed otherwise by the Committee.
- 7.3 Proposed subject matter experts should be agreed at the preceding meeting and included in the relevant meeting agenda. Where a subject matter expert is proposed on short notice, all Committee members should be consulted out of session prior to issuing an invitation.

## 8 Meetings

- 8.1 The Committee will meet at least four times each calendar year. The Committee can agree to call additional meetings as required.
- 8.2 The location of meetings should rotate between member locations where practical.
- 8.3 The format of additional meetings is flexible and can include workshops to progress significant pieces of work. Reasonable requests for additional meetings and/or workshops from members will be considered in good faith.
- 8.4 Meetings will allow for the attendance of members, observers and other invitees by video-conferencing.
- 8.5 A member who is unable to attend a meeting may nominate a proxy to represent them. Members are to notify the Secretariat if they wish to nominate a proxy to attend on their behalf for a particular meeting. Proxies are taken to have the same voting rights and responsibilities as their principal member.
- 8.6 The Committee may call for *In Camera* sessions to discuss matters that are sensitive or otherwise confidential. *In Camera* sessions will be conducted in private with only JSC members participating. The Committee will be disciplined and refrain from discussing topics or making decisions that should be otherwise discussed openly. Meeting minutes will reflect the occurrence of an *In Camera* session.
- 8.7 Co-chairs will be responsible for providing a short summary of discussions, and/or any decisions or actions arising from the *In Camera* session for recording in the minutes of the meeting.
- 8.8 Committee matters may be dealt with out of session, if agreed by the Committee.

## 9 Quorum

- 9.1 A quorum for a formal Committee meeting will consist of at least 5 representatives including:
  - a. one representative from the Commonwealth Government;
  - b. one representative from the Northern Territory Government;
  - c. one representative from at least two Land Councils; and
  - d. one representative from Aboriginal Housing NT.

9.2 Meeting Observers do not count towards the quorum unless they are attending as a delegated representative.

## 10 Decision Making

10.1 The Committee will make decisions by consensus. The Committee members will make genuine efforts to reach consensus on all matters that are within the decision-making remit of the Committee.

10.2 In the event consensus cannot be reached, the matter will be determined by a majority vote of the Committee members present at the meeting.

10.3 Where a vote occurs, each Committee member is entitled to abstain from voting on any matter. Any abstention shall be formally recorded in the meeting minutes.

10.4 For out of session matters, the Secretariat will distribute papers to all members concurrently, by email.

10.5 Members will be allowed a minimum of 10 working days for out of session comment on items provided for feedback. The Secretariat will send a reminder to all members after 8 working days. No response by the closing date will be taken to mean that the member accepts the paper without amendment.

10.6 Members will be allowed a minimum of 10 working days to respond to items circulated, out of session, for decision (endorsement or otherwise).

- a. Members will return their response via email. Provided sufficient votes have been received by the closing date, to represent a quorum in accordance with section 9, no further voting past the closing date will be counted;
- b. If the number of votes is not equivalent to a quorum, a reminder will be sent, and voting will remain open for a further 5 working days; and
- c. In the event a quorum is still not reached, the matter will be held over until the next JSC meeting.

## 11 Secretariat

- 11.1 The Northern Territory and Commonwealth Governments will provide the Committee Secretariat. The Secretariat is responsible for:
- a. organising and coordinating Committee meetings;
  - b. coordinating the preparation and timely circulation of papers (including PowerPoint presentations, responses & any other relevant items) for the Committee, in accordance with Clause 11.3 and Addendum 2;
  - c. preparing minutes recording the deliberations and actions of Committee meetings;
  - d. maintaining a strategic risk register on behalf of the Committee and reporting on the status of risks and mitigations at each Committee meeting;
  - e. maintaining the register of declared interests; and
  - f. supporting members in the functions of the Committee.
- 11.2 The National Indigenous Australians Agency (NIAA) will assist the Secretariat by recording the deliberations and actions of Committee meetings and preparing a meeting communique following each meeting, which will be published following endorsement by all members. The Secretariat and contributing members will endeavour to meet the following timeframes in relation to each meeting:
- a. the agenda for each meeting will be set in accordance with Addendum 2;
  - b. the Secretariat will circulate the final agenda and papers at least 10 working days before each meeting;
  - c. late papers that are not submitted to the Secretariat within the timeframes specified in Addendum 2, will not be considered for decision at the JSC meeting but may be circulated for decision 'out of session' if the Committee agrees;
  - d. the Secretariat will circulate the meeting communique prepared by NIAA, for endorsement, no later than 10 working days after a meeting;

- e. the Secretariat will seek clearance from each meeting's co-chairs on the minutes and action items prior to distribution to members. If clearance is unable to be provided within 2 working days, minutes and/or action items will still be circulated in accordance with the agreed timeframe below; and
- f. the Secretariat will circulate meeting minutes no later than 10 working days after a meeting.

## 12 Conflicts of Interest

- 12.1 Representatives and observers should complete a declaration of interests each year and the Secretariat will maintain a Register of Declared Interests.
- 12.2 Representatives and observers must declare any actual, potential or perceived personal or financial interests of which they are aware. This can include financial or non-financial interests, held by them or by members of their immediate family, which may give rise to a conflict (real or perceived) with their duties as a Committee member or due to their attendance at a Committee meeting.
- 12.3 All personal and financial interests must be declared in a timely manner as soon as practicable, but no later than 10 working days, after the individual becomes aware of the interest, such declarations shall be formally recorded in the Register of Declared Interests and in the minutes of the relevant meeting.
- 12.4 For the purposes of Section 12, "timely manner" shall mean:
  - a. Upon appointment; Any actual, perceived, or potential material conflict of interest must be declared by a new Committee representative or observer within 10 working days, or prior to their first attendance at a Committee meeting following their appointment, whichever occurs first; and
  - b. Upon acquisition of new interests: Any actual, perceived, or potential material conflict of interest arising after appointment must be declared within 10 working days, or prior to the first Committee meeting following the representative or observer becoming aware of the new interest, whichever occurs first.

- 12.5 Representatives and observers are required to declare any interests related to matters listed on or added to the meeting agenda at the beginning of each Committee meeting.
- 12.6 For any interest declared by a representative, the Committee will determine whether the interest represents a perceived or actual conflict, and if so, any consequential course of action (which may include, for example, excluding the representative from discussion of a particular agenda item).
- 12.7 Where a potential, perceived or actual conflict of interest exists, the Committee will determine whether a member or observer should withdraw from discussion or decision-making on the relevant matter. The Committee may decide an interest is immaterial and permit the member to participate.
- a. The decision should be noted in the minutes and if a member is requested to leave, their departure and return should be minuted.
- 12.8 The Committee may decide to preclude representatives and observers from Committee meetings and other deliberations if they fail to declare a conflict of interest in a timely manner. Decisions to preclude representatives and observers must be made by consensus of Committee members.

### 13 Confidentiality

- 13.1 Materials provided to the Committee will be clearly marked as *Joint Steering Committee in Confidence* if they contain confidential or proprietary information.
- 13.2 With the exception of authorised communications with their member, representatives and observers will not reveal any confidential or proprietary information entrusted in the course of their involvement with the Committee and may not use or attempt to use any such information, documents or data, other than for the fulfilment of their work with the Committee.
- 13.3 Participation in the Committee does not impinge on the rights of the Co-Chairs or partners as employees of other organisations and members of the public from taking action that they would otherwise have taken.

13.4 Upon cessation of participation and thereafter, the Co-Chairs and Committee members shall not reveal any confidential or proprietary information which they obtained while the Co-Chairs or a representative on the Committee, and may not use or retain, or attempt to use or retain, any such information, documents or data.

## 14 Review of these Terms of Reference

14.1 These Terms of Reference will be reviewed every 12 months by the Committee, or earlier if agreed by the Committee. The Committee can amend these Terms of Reference as it deems appropriate.



## Addendum 1: Glossary

Term	Meaning in this document
Self-determination	<p>Self-determination is an ongoing process of ensuring that peoples are able to make decisions about matters that affect their lives. Essential to the exercise of self-determination is choice, participation and control.</p> <p>It is the collective right of Aboriginal peoples to freely determine their political status and economic, social and cultural development. The outcomes of self-determining processes must correspond to the free and voluntary choice of the Aboriginal people concerned.</p> <p>Articles 3 and 4 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) confirms that Indigenous peoples have the right to self-determination under international law.<sup>1</sup></p>

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<sup>1</sup> United Nations Declaration on the Rights of Indigenous Peoples, GA Res 61/295, UN GAOR, 61st sess, 107th plen mtg, Agenda Item 68, Supp No 49, UN Doc A/RES/61/295 (2 October 2007). <https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples>

## Addendum 2: Agenda Sub-committee Procedures

### 1. Background

The Committee has established the Agenda Sub-committee (Sub-committee) to ensure the operations of the Committee are structured in a way that allows all Committee members to agree on the forward agenda for the discussions that lead to any decisions.

### 2. Membership

The Sub-committee will comprise one member each from:

- Northern Land Council (NLC)
- Central Land Council (CLC)
- Tiwi Island Land Council (TLC)
- Anindilyakwa Land Council (ALC)
- Department of Logistics and Infrastructure (DLI)
- Department of Housing, Local Government and Community Development (DHLGCD)
- Aboriginal Housing NT (AHNT)
- National Indigenous Australians Agency (NIAA)

### 3. Responsibilities of Sub-committee Members

- Sub-committee members are responsible, on behalf of their organisation, for sending agenda items to the JSC Secretariat before the scheduled agenda meeting.
- Sub-committee members are responsible for providing relevant papers or documentation related to their agreed agenda items for their organisation.
- Members must adhere to deadlines set by the Sub-committee to ensure timely release of agenda papers.

#### 4. Scheduling and Chairing Meetings

- The JSC Secretariat will chair and schedule all Sub-committee meetings.
- Sub-committee meetings will be scheduled for at least 30 working days prior to the next scheduled Committee meeting and will be 1 hour in duration.
- Meetings will be held online utilising Microsoft Teams or equivalent.

#### 5. Meeting Minutes

- Meetings will be recorded via Microsoft Teams and distributed to Sub-committee members for reference. The Secretariat will keep a file with all recorded meetings.
- The Secretariat will circulate the resulting draft agenda within 1 day after the meeting to Sub-committee members for their awareness.

#### 6. Submission and Prioritisation of Agenda Items

- Committee members submitting agenda items are requested to prioritise their submissions by ranking items (#1 = highest priority) and advising the amount of time needed for discussion and decision-making related to the item. Time required should be rounded to the nearest 15 minutes, for example 15, 30, 45, 60-minute timeslots. Members may need to accommodate shortening the allotted time during agenda setting to allow for item inclusion.
- The Sub-committee will allow for each organisation to at least include one top-priority item on the agenda where possible.
- Prioritisation should follow the below criteria:
  - Top Priority - Items directly related to the delivery of the Agreement or associated Federation Funding Agreements (FFA). For example, deliverables under an FFA or specifically requested work plans and reports.
  - Second Priority - Items raised by Committee working groups, to capture and consider their recommendations appropriately.
  - Third Priority – Deferred items from previous agenda Sub-committee meetings. It is recommended to consider deferred items with increased priority to prevent continual deferral of items. Members may agree at the meeting to remove deferred items from the agenda if deemed no longer necessary.



- Fourth Priority - Other agenda items not directly related to the above criteria. This may include for example, policy papers, good news stories, or updates from members on projects related to the work of the Committee.

## 7. Late Agenda Items

If a late agenda item is received once the agenda has been finalised, the request will be sent to the Co-Chairs responsible for the meeting for consideration. The Co-Chairs will decide whether to include it in the current meeting agenda, defer the item to a future meeting, or recommend it be considered out-of-session.

Late agenda items must be considered by Co-Chairs in good faith; however, the inclusion of late agenda items should not circumvent the agreed Sub-Committee process.

## 8. Approval of Agenda

The Secretariat will prepare and send the draft Agenda to the Co-Chairs nominated for the next Committee meeting within 2 working days of the of the Sub-committee meeting.

The agenda will be approved by the nominated co-Chairs for the relevant Committee meeting to which the agenda pertains, within 5 working days of the Sub-committee meeting and determining the draft agenda.

In the event the co-Chairs do not approve the agenda, they are to provide sufficient feedback to allow the Secretariat to make necessary amendments to the agenda so that it is subsequently approved by the Co-Chairs when provided. The approved agenda will be provided to all JSC members as soon as practical and at least 20 working days prior to the next meeting.

**SUMMARY OF KEY TIMEFRAMES TO NOTE:**

The below table sets out the actions to be undertaken by the Agenda sub-committee and the number of working days prior to the next scheduled Committee Meeting that those actions must be completed.

Working Days	Action
40	Secretariat will do a call out for agenda items from Sub-Committee members
35	Committee members submit agenda items to the Sub-committee in order of priority/relevance per the agreed procedure.
30	Sub-committee to meet and discuss agenda items received. The draft agenda will be agreed during this meeting.
29	The Secretariat circulates the draft agenda to Sub-Committee Members (including a reminder for nominated leads to submit their papers for agreed items);
28	The Secretariat circulates the draft agenda to Co-Chairs of the next Committee meeting for approval.
25	Co-chairs of the next Committee meeting will approve the draft agenda unless an amendment is required.
20	The approved agenda will be provided to all JSC members
10	The Secretariat will package up papers and the final agenda and circulate to members